

The Building Code Compliance Office, under the direction of Herminio F. Gonzalez, P.E., is an active member of the Roofing Contractors Association of South Florida, the local affiliate of the Florida Roofing, Sheet Metal and Air Conditioning Contractors Association. As such, the Building Code Compliance Office is aware of the many challenges that this industry is faced with, whether it is the pursuit of the ultimate prize of eliminating workers compensation exemptions or eradicating the unfair competition of unlicensed contractors. The Building Code Compliance Office, clearly, finds common ground with the local roofing association on the issue of unlicensed contractors, even though our motivations may differ. It is interesting to note that the Building Code Compliance Office in large part owes the funding of the Code Compliance Investigator Section to the efforts of the South Florida Roofing and Sheet Metal Association. The South Florida Roofing and Sheet Metal Association was one of the precursors to the current Roofing Contractors Association of South Florida. It is through their labors as well as the foresight of the local elected officials that the Code Compliance Investigations Section exists as it does today. The following article was recently published in the Florida Forum's January '03 edition. (list the three pages of the article)

Miami-Dade County Fights the War against Unlicensed Contractors

By Michael L Goolsby, RRC

A Reason to Mobilize

In August of 1992, immediately following the aftermath of Hurricane Andrew, Miami-Dade County was inundated with an incredibly large number of unscrupulous and unskilled individuals who represented themselves, to an unwitting public, as licensed contractors. These opportunists were drawn by the tremendous influx of insurance dollars, necessary to rebuild after the most costly disaster ever to affect the United States. Many people lost their homes and belongings to Hurricane Andrew and were then further victimized when they lost part or all of their insurance monies to these con artists masquerading as licensed contractors. It is these unlicensed swindlers who were



First time offenders are issued tickets. Penalties increase with each offense.

responsible for the term "roofers from hell" a term that was embraced and perpetuated by the media.

It quickly became

apparent that regulatory steps must be taken in order to stamp out unlicensed contracting and help protect the citizens of Miami-Dade County. A unit was established within what, at that time, was the Building and Zoning Department. During that period the section was known as the Contractor Fraud Unit. Following county departmental reorganization in September of 1998, the Miami-Dade County Building Code Compliance Office absorbed the contractor investigations functions. The reorganized unit was placed under the direction of the Code Compliance Division as the Code Compliance Investigations Section. A highly experienced supervisor and nine aggressive, tenacious and dedicated investigators currently staff this section. So it is with this small force that the war on unlicensed activity is waged.

In the struggle against unlicensed activity, Sting Operations and Roadblocks are two effective tools that have been perfected and continue to be used by the Code Compliance Investigations Section since its inception as the Contractor Fraud Unit.

Sting Operation

A basic sting operation is a convincing trap and is conducted in the following manner. An owner offers the use of a suitable unoccupied building. An

Investigator then becomes the new "owner" who requires construction work done on the property. Police department personnel participate and wait, unseen, nearby in an adjacent room. The lure of performing construction work on the building then becomes the bait in the sting operation. Unlicensed contractors who advertise in various publications will be called and invited to the building to provide an estimate for construction work. When the contract is made, the trap is sprung; the local police department personnel who are standing by now emerge and affect an arrest. So in a classic example of role reversal, the unlicensed contractor now becomes the victim and is led away in handcuffs.

Though setting up a sting operation is a complicated and time consuming process this tool has proven to be an extremely effective method of eliminating unlicensed contractor activity. It exploits and subverts the unlicensed contractors own advertising efforts as a means of identifying, targeting and ultimately ending that individuals' unlawful activities. Emblematic of the success of this operation are the 57 arrests of unlicensed and unscrupulous contractors that have been made this fiscal year.

Commercial Vehicle Checkpoint

Another highly visible and successful tool to combat unlicensed contracting has been through the use of roadblocks. The Code Compliance Investigators refer to these roadblocks as "commercial checkpoints". These checkpoints are set up on roadways throughout the County where various police departments within Miami-Dade

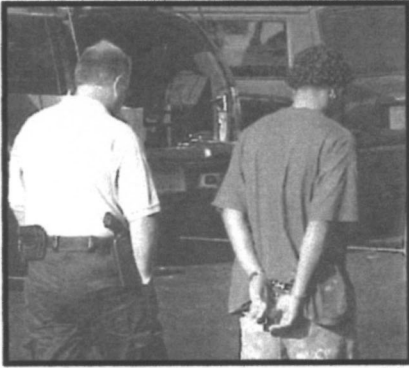
County pull over all construction industry commercial vehicles belonging to both licensed and unlicensed contractors.

If the vehicle is marked with a contractor's advertising, a computer

check is run to determine if the contractor is in fact licensed. Usually this check takes no longer than a few minutes and the legitimate contractor is on his way. In this operation the licensed contractor may be momentarily inconvenienced, but the benefit gained by the industry is unquestionably worth the delay.



One effective tool used to combat unlicensed contracting are the roadblocks set up by Code Compliance Investigators. At these "commercial checkpoints", all construction industry vehicles are stopped and contractor licenses are verified.



Another unlicensed contractor on his way to jail.

In the event that the detained contractor turns out to be unlicensed, the Code Compliance Investigator issues the individual a ticket in the amount of \$510.00. If a commercial vehicle has no markings, one of the participating

police officers will arrest the individual for violation of the commercial vehicle law. The names and contact information for these individuals are recorded and will be used to add to the pool of targets for future sting operations. These roadblocks have proven their effectiveness in that, this year, 193 tickets have been issued to unlicensed contractors and 223 arrests have been made. Through the use of local print and television coverage the public is alerted to the steps taken on their behalf and the unlicensed contractors realize that soon they too will be one of those ticketed or arrested.

Owner Complaints

The Code Compliance Investigations Section also receives complaints from owners who feel they

Continued on page 14

The War Against Unlicensed Contractors

Continued from page 13

have been victimized. So far this year, 899 cases have been received from homeowners who feel a contractor has taken advantage of them. By diligently pursuing these cases, 405 tickets have been issued and 120 criminal charges have been filed with the State Attorney's Office. Following up on owner complaints involve much more than the active search for unlicensed contractors and result in appearances at ticket hearings and court proceedings, liaison with the State Attorney's Office, prosecution before the local regulatory boards and the mountains of paperwork these procedures require. Even though the small army of nine investigators is stretched thin, they still represent the only force specifically targeted against unlicensed

VICTORIES WON 2001-2002

Complaint Cases	Complaint Cases Closed	Tickets Issued
899	593	405
Criminal Charges Filed	Restitution Won for Owners	Fines Collected
120	\$366,394	\$104,421

contractors in Miami-Dade County. As always, victories are won but the fight goes on.

The Formal Hearing

The penalties for unlicensed activity are designed to escalate. The first time someone is arrested for unlicensed contracting, the offense is considered a first-degree misdemeanor and a second arrest is considered a third-degree felony that could result in a stiff jail sentence. As the severity of the sanctions escalate, many decide to become licensed rather than face the risk of being arrested again. Of those individuals ticketed for unlicensed activity so far this year, one hundred and sixty-seven have made the wise choice to become licensed contractors.

It is easy to measure the success of these operations against unlicensed contractors with raw statistics such as the number of arrests made and tickets issued. However, it is much more difficult to determine how many citizens have been spared being victimized had these efforts by the Code Compliance Investigators not taken place. Nothing seems to signify satisfaction or success as much as when the Investigators' efforts achieve for the owner the return of their hard earned money lost to unlicensed contractors. The Code Compliance Investigations Section is proud of the fact that, during this year alone, they are solely responsible for collecting \$366,394.00 in restitution.

Can the War be Won?

It is the hope of the Building Code Compliance Office that by continuing to conduct stings, roadblocks, and working unlicensed contractor cases many homeowners

of the future will be spared the losses incurred by homeowners of the past. More and more the local jurisdictions must shoulder the responsibility and assume an active roll in the war on unlicensed activity. The Building Code Compliance Office continues to be the leader in the State in efforts against unlicensed contractors and has achieved unmatched success. The methods and techniques perfected

by the Code Compliance Investigations Section stand as a fine example to be followed by any county or local area who may be contemplating entering this war. The Building Code Compliance Office's willingness to assist local jurisdictions with advice or guidance in implementing measures against unlicensed contractors is indicative of a commitment to someday winning this war. While owners and industry lose much to unlicensed contractors, they both also share the benefits of the Building Code Compliance Office's operations as the balance is shifting against these criminal contractors.

Authors Note

I would like to thank Investigators' Section Supervisor Danny Vuelta and Investigators Dale Bowlin and Michael McDonald for their kind assistance in the preparation of this article.

About the Author

Michael L. Goolsby is currently Acting as the Chief of the Code Compliance Division of the Building Code Compliance Office. Michael's duties include the supervision of the technical staff that provide oversight, enforcement and training relevant to the Florida Building Code. In this capacity he is involved in all building code related issues, which includes directing and coordinating investigative activities, ensuring the uniform application of the building code, administering and directing the Code Specialist Section, and providing continuing education seminars for both industry and building code enforcement professionals. His duties also include providing technical assistance to respective building departments as well as to industry professionals and the general public. Michael's more than twenty years in the roofing industry have included experience as an owner and qualifier of a roofing company, a commercial roofing inspector for Miami-Dade County, a senior roof consultant for a national engineering firm, and the Code Specialist for roofing at the Building Code Compliance Office. Michael is a Registered Roof Consultant, Registered Roof Observer, a Construction Documents Technologist, a State of Florida Licensed Roofing Contractor, a Miami-Dade County Licensed Roofing Contractor as well as a State of Florida Licensed Roofing Inspector.



Because of the Building Code Compliance Office's efforts, Ms. White holds a check for \$9,000 - restitution for the ten gallons of aluminum coating sold to her by an unscrupulous, unlicensed roofing contractor!